



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed July 30, 2014


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE:	§	
	§	Case No. 14-70104-hdh13
GABRIEL PORRAS SERRANO	§	
Debtor	§	Chapter 13
	§	
MATT'S MOTORS, LP	§	
Creditor	§	
vs.	§	
	§	Hearing on Motion to Lift Stay:
GABRIEL PORRAS SERRANO	§	
Debtor	§	<u>August 20, 2014 @ 10:00 a.m.</u>

AGREED ORDER MODIFYING AUTOMATIC STAY

WHEREAS, Movant, MATT'S MOTORS, LP, (hereinafter "MATT'S MOTORS, LP") did file a Motion to Lift Stay in the above styled matter on or about July 8, 2014; and

WHEREAS, Debtor(s), GABRIEL PORRAS SERRANO is not opposed and is in agreement to modify the automatic stay; it is

ORDERED, ADJUDGED and DECREED that the Debtor(s) shall provide and continue to

provide proof of current and effective full coverage insurance, with \$500.00 deductible for comprehensive and \$500.00 for collision, to MATT'S MOTORS, LP insuring GABRIEL PORRAS SERRANO as authorized driver(s) with no excluded drivers on the policy and not insured on a named driver only (limited) policy, and insuring the interest of Movant in the collateral described as a 2007 KIA OPTIMA, VIN #KNAGE123475112954, that Debtor(s) shall maintain such insurance so long as MATT'S MOTORS, LP maintains an interest in the collateral, that Debtor(s) shall provide continued proof of such insurance immediately upon change of insurance or cancellation of same to MATT'S MOTORS, LP. In addition, proof of insurance must be provided if MATT'S MOTORS, LP requests same. MATT'S MOTORS, LP shall be listed on the insurance policy as lienholder at their correct address of 3430 E. University, Denton, Texas 76208. In the event that the Debtor(s) shall fail to comply with the conditions as set forth above, the Court orders that the stay will automatically be modified to MATT'S MOTORS, LP, and that MATT'S MOTORS, LP shall be allowed to proceed to immediately foreclose upon, repossess, and resell the collateral described in Exhibit "A" to MATT'S MOTORS, LP's Motion on file herein. Further, if necessary, Movant shall be allowed to file an Amended Proof of Claim for any deficiency resulting after the sale of the collateral.

Furthermore, the Debtor(s) shall provide and continue to provide a current work and home address and telephone numbers for GABRIEL PORRAS SERRANO. In the event that the Debtor(s) move, the Debtor(s) must provide current addresses and telephone numbers in order to be reached. If such is not provided upon signing of this Order and is not continually provided to the Movant upon change within 15 days, the Court orders that MATT'S MOTORS, LP shall be allowed to proceed to immediately foreclose upon, repossess, and resell the collateral described in Exhibit "A" to MATT'S

MOTORS, LP's Motion on file herein.

Furthermore, the Debtor(s) shall timely and fully make their scheduled Chapter 13 plan payments to the standing Chapter 13 Trustee. The plan payments for the benefit of MATT'S MOTORS, LP shall be in the amount of \$269.54 a month for 36 months due on the 3rd day of each month, beginning May 3, 2014 until the sum of \$8,959.91 plus 5.5% interest is paid. The Chapter 13 Plan and the Authorization for Pre-confirmation Disbursement shall be modified by the Debtor(s) according to this Order immediately upon entry of this Order or the stay shall lift and Movant shall be allowed to proceed to immediately foreclose upon, repossess, and resell the collateral. In addition, in the event that the Debtor(s) shall fail to comply with the plan payments to the trustee, the Court orders that MATT'S MOTORS, LP shall provide the Debtor(s) with a notice of the default by certified mail, and a notice to the Debtor'(s) attorney by first class regular mail, and ten days to cure such default. After the expiration of ten days from the date of mailing of notice to the Debtor(s) and the Debtor'(s) attorney, and the default has not been cured with the Chapter 13 trustee or a check has been paid to the trustee and subsequently returned due to insufficient funds and not replaced with a money order within the ten (10) days of the original notice of default or 3 separate notices have been sent and a 4th default occurs, the Court orders that the stay shall automatically be modified and that MATT'S MOTORS, LP shall be allowed to proceed to immediately foreclose upon, repossess, and resell the collateral described in Exhibit "A" attached to MATT'S MOTORS, LP's Motion on file herein. MATT'S MOTORS, LP shall be scheduled to receive pre-confirmation payments of \$112.50 each month beginning May 3, 2014 until confirmation and then payments shall be increased to \$269.54 each and every month and continuing for the 36 month period. The Court hereby waives the fourteen (14) day requirement pursuant to Bankruptcy Rule 4001(a)(3).

End of Order

AGREED AND APPROVED:

/s/ GAIL E. STOCK

GAIL E. STOCK

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/s/ MONTE J. WHITE

MONTE J. WHITE, Attorney for Debtor(s)